

001 Applicability. This rule applies to all facilities operated by the Department of Correctional Services.

002 Department Policy. An inmate's access to the mail will be limited only if the access constitutes a violation of state law, federal law, regulations governing mail or threatens the security, safety or good order of the facility

003 Contraband in the Mails. Contraband, for purposes of this Chapter, includes but is not limited to:

003.01 Any drugs that cannot be legally possessed under Nebraska law.

003.02 Tobacco or tobacco products.

003.03 Information on escape routes.

003.04 Information on the manufacture of weapons, incendiary devices, drugs or alcohol.

003.05 Alcoholic beverages.

003.06 Weapons of any type.

003.07 Perishable goods, unless approved by the Warden of the facility.

003.08 Maps that constitute a threat to the security of the facility or the public because the map could be used as an escape tool.

003.09 Cash.

003.10 Any items that would cause a violation of the Code of Offenses if possessed by an inmate.

003.11 Any item that promotes gangs or gang activities.

003.12 Postage stamps (except as allowed in Rule 3.012.08 and in Community Corrections facilities).

003.13 Any item that would constitute a threat to the safety, security or good order of the facility.

003.14 Any publication, writing or recording that advocates or is likely to incite violence or illegal activities.

003.15 Any publication or item that advocates or is likely to incite violent or illegal activity, including materials which advocate or depict violent or illegal sexual activity.

003.16 Any other printed, published, recorded or photographed material that the Warden determines is a threat to the safety, security or good order of the facility.

004 CONTRABAND IN OUTGOING MAIL.

004.01 All non-privileged outgoing mail will be examined for enclosures and contraband except in community facilities. The Warden of a community corrections facility may have outgoing mail examined at his or her discretion.

004.02 Any contraband found in outgoing mail will be seized and a receipt will be given to the inmate.

004.03 Official government money confiscated from an inmate's outgoing mail will be placed in the inmate's confiscated cash account and will be returned to the inmate upon release from the custody of the Department.

004.04 At the conclusion of any disciplinary action involving contraband in outgoing mail, the seized contraband shall be destroyed, retained, or referred to a law enforcement agency, as appropriate.

004.06 If an inmate wants to challenge the seizure of contraband found in outgoing mail, the inmate shall use the grievance procedures.

005 Contraband in Incoming Mail.

005.01 All non-privileged incoming mail will be opened and examined for enclosures and contraband.

005.02 Contraband found in incoming mail will normally be returned to the sender with a copy of the written statement given to the inmate. The statement shall include a description of the contraband and why it was removed.

005.03 If the contraband in incoming mail violates state or federal law, the contraband and the letter will be referred to a law enforcement authority. If contraband in incoming mail is seized for prosecution purposes, the sender and the inmate will be notified.

005.04 An inmate can challenge the seizure of contraband in incoming mail by filing a grievance.

005.05 A sender can challenge the seizure of contraband in incoming mail by contacting the Warden of the facility in writing.

006 Contraband Publications.

006.01 If a publication that is contraband is found in an inmate's incoming mail, the inmate will be given written notice. The notice shall state why the publication is not being delivered and why it is contraband.

006.02 The publication will be held until the grievance procedure is exhausted or the time for filing has expired before the publication is destroyed or returned to the sender at the inmate's expense.

006.03 An inmate may request that the publication be immediately returned to the sender at the inmate's expense.

006.04 Inserts in publications may be removed from the publication if the inserts are contraband. The inserts may be removed without notice to the inmate. After the inserts that are contraband are removed from the publication, the publication can be delivered to the inmate.

008 Inmate-to-Inmate Mail.

008.01 Inmate-to-Inmate mail is presumed to be a threat to the safety, security or good order of the facilities and is presumed to jeopardize the rehabilitation of the inmates.

008.02 An inmate cannot send mail to or receive mail from:

008.02A A parolee without the approval of the Facility Administrator Warden and the Parole Administrator.

008.02B An inmate at another correctional institution without the approval of the Wardens of both institutions.

008.02C An inmate in the same institution without the Warden's approval.

008.03 Approval of inmate-to-inmate correspondence shall be in writing.

008.04 Inmate-to-inmate correspondence may be allowed if the inmates or parolees are immediate family or have a common interest in a legal matter and the correspondence will not threaten the safety, security or good order of the institution or jeopardize the rehabilitative process of the inmates or parolees.

008.05 Staff designated by the Warden(s) may read incoming or outgoing mail sent from one inmate/parolee to another inmate/parolee.

009 Outgoing Mail Procedure.

009.01 The amount of mail an inmate can send will not be limited unless the inmate has violated the Department's rules and regulations or policies relating to mail.

009.02 Inmates cannot establish credit with sellers of merchandise, or establish or conduct business enterprises, without the approval of the Warden.

009.03 Inmates cannot send mail to persons who have given written notification to the Warden objecting to receiving mail from the inmates.

009.04 The Warden will designate employees to process outgoing mail.

009.05 All outgoing mail will be stamped with a statement that the mail came from a correctional institution.

009.06 All outgoing mail will be examined for enclosures and contraband except in community facilities. The Warden of a community facility may determine when outgoing mail will be examined at his/her discretion.

009.07 Outgoing mail may be read only when there is clear and convincing evidence that the outgoing mail could constitute a threat to the safety, security, or good order of the facility.

009.08 The envelopes for outgoing mail shall not be sealed, unless the mail is privileged.

009.09 The inmate's name number and institutional address shall be on the upper left-hand corner of each piece of outgoing mail. The inmate shall use his legal name or legally changed name. If the inmate's name is not on outgoing mail, the mail will be retained for sixty days. If the inmate does not claim the mail within sixty days, the mail will be destroyed.

009.10 If any outgoing mail is not allowed to leave the facility, the mail will be returned to the inmate, with a written explanation of why the mail was returned.

010 Incoming Mail Procedures.

010.01 Inmates may receive mail from any person or organization they choose except as prohibited by DCS rules and regulations or state or federal law.

010.02 There is no limit on the number of letters an inmate may receive, the length of an incoming letter, or the language used to write the letter, unless the incoming letter violates the Department's rules, regulations or policies or State or federal law.

010.03 All items received through the mail must be paid for in advance. If an item is not paid for in advance, the item will be returned to the sender and the inmate will be given written notice that the item has been returned.

010.04 Any publication that does not comply with this rule or any Department rule, regulation or policy will be returned to the sender. The inmate will be given written notice that the publication has been returned.

010.05 All publications must be prepaid and shipped directly from the publisher or bookstore.

010.06 A church or other religious organization may send religious publications or tapes to an inmate. The items will be reviewed by the religious coordinator and must be approved by the religious coordinator before the religious publications or tapes are delivered to the inmate. If the religious publications or tapes are not approved by the religious coordinator, the publication or tape will be returned to the sender and the inmate will be given written notice that the item has been returned.

010.07 Free advertising materials, fliers, and other bulk mail without the inmate's name and number will not be delivered. This mail will be returned to sender, if possible, or will be destroyed without notice to the inmate.

010.08 The Warden will designate employees to process all non-privileged incoming mail.

010.09 All non-privileged incoming mail will be opened and examined for enclosures and contraband.

010.10 Incoming mail may be read only when there is clear and convincing evidence that such mail constitutes a threat to the security, safety, or good order of the facility.

010.11 All incoming mail will normally be delivered to the inmate within twenty- four hours after its receipt at the facility, except weekends and holidays, or when mail contains contraband. Packages will usually be delivered within forty-eight hours.

010.12 All incoming mail must have the name and address of the sender on the envelope. Any mail that does not have the name and address of the sender on the envelope may be read. If the sender of such incoming mail can be determined, the mail will be delivered to the inmate, unless the incoming mail violates another of the Department of Correctional Services rule.

010.13 An inmate may receive mail only if it is addressed to the inmate in his or her individual capacity.

010.14 When an inmate has been transferred to another correctional facility the inmate's First Class mail will be forwarded. After an inmate is released, First Class mail will be forwarded if the Department has a forwarding address. If an inmate has been released and the Department does not have a forwarding address for the inmate, the mail will be returned to the sender.

011 Limitations. Inmates may use the U.S. Mail for correspondence. The Department of Correctional Services will not send or receive facsimile transmissions, telegrams, express mail, e-mail or any other electronic transmission of correspondence for an inmate.

012 Privileged Mail.

012.01 Inmates may send sealed letters to all federal and state officials, the Director, Deputy Director, any Assistant Director, and the Warden of any facility of the Department of Correctional Services; the Office of Public Counsel/Ombudsman; judges; members of the Parole Board and members of the Pardons Board; and members of local, state, and national bar associations.

012.02 The Warden may attach to any outgoing privileged mail, a notice disclaiming responsibility for the nature or contents of outgoing privileged mail.

012.03 Incoming mail marked as privileged/confidential from one of the persons listed in subparagraph 012.01 of this rule may be opened only in the inmate's presence.

012.04 Incoming privileged mailed will be examined for contraband when it is opened.

012.05 Incoming privileged mail will not be read unless there is clear and convincing evidence that the incoming privileged mail threatens the safety, security, or good order of the institution.

012.06 The name or firm affiliation of the sender of incoming privileged mail must appear in commercial printing on the envelope or the incoming mail will not be considered privileged mail.

012.07 A sender of incoming privileged mail who does not use envelopes with commercially printed return addresses may request prior written approval from the Warden to send privileged mail to an inmate in an envelope without a commercially printed return address. Unless this permission is received the incoming mail will not be considered privileged.

012.08 Attorneys of record representing the inmate may send the inmate one self-addressed stamped envelope in each item of privileged incoming mail.